



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 2764-02  
27 November 2002

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 November 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Naval Reserve on 29 October 1979 at the age of 18. You served without disciplinary incident until 5 March 1981 when you received nonjudicial punishment (NJP) for two specifications of misbehavior as a sentinel and destruction of military property. The punishment imposed was a \$100 forfeiture of pay and bread and water for three days, which was suspended for 30 days. On 9 April 1981 you received NJP for losing an identification card and were awarded a \$50 forfeiture of pay and restriction and extra duty for seven days.

On 22 January 1982 you were notified of pending administrative separation action by reason of convenience of the government due to creating an administrative burden as evidenced by minor military or disciplinary infractions. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board. Subsequently, your commanding officer recommended separation by reason of burden to command due to substandard performance and inability to adapt. This recommendation was approved and the discharge authority directed an honorable discharge by reason of substandard

performance and an inability to adapt. On 5 March 1982 you were so discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you should have received an RE-1 or RE-2 reenlistment code because of your honorable discharge. Nevertheless, the Board concluded these factors and contention were not sufficient to warrant a change in your reenlistment code because of your separation by reason of burden to command and the two NJPs. Such a code was required for individuals separated due to burden to command. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director